

Notice of Allowability

Application No.

09/524,826

Applicant(s)

TANG ET AL.

Examiner

Russell S. Glass

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief dated 9/19/2007.
2. ☒ The allowed claim(s) is/are 1-5, 14-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In The Title:

The title of the Application is amended as follows:

-- METHOD FOR OPERATING ACTIVE CLINICAL GUIDELINES--

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance.

Regarding independent claims 1, 14, 17, 19 and 20

The prior art of record neither anticipates nor renders obvious a method for use in a computerized patient records system that operates an active guideline tag that includes both (1) information used to generate a hyperlink and (2) information used to generate an order, and including an interpreter in addition to a web browser.

The most remarkable prior art is Grey, (U.S. 6,149,585) and Coli et al., (U.S. 6,018,713).

Grey teaches a medical diagnostic method and system for determining diagnostic tasks to diagnose a patient with acquired patient data based on

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predetermined criteria and providing a recommended diagnostic task based on the selected possible diagnosis. This is considered to include maintaining clinical guidelines on a server and operating a viewer at a user station. However, Grey fails to disclose active guideline tags containing information useable by the computerized patient records system to generate orders, an active guidelines interpreter, and a web browser receiving and displaying the hyperlink from the active guidelines interpreter for the user representing the active guideline. Grey does not generate orders in the claimed manner.

Coli discloses a network-based system for ordering and accumulating results of medical tests including a computer at a physician location to order tests. Coli fails to cure the deficiencies of Grey because Coli, like Grey, fails to disclose active guideline tags containing information useable by the computerized patient records system to generate orders. Coli does disclose network computers using Hypertext Transfer Protocol to send links for test viewing and test ordering. However, Coli does not possess an active guidelines interpreter receiving active guidelines tags that is separate from a web browser. Coli does not generate orders in the claimed manner.

None of the other prior art cited remedies the deficiencies of Grey and Coli. Furthermore, neither the prior art, the nature of the problem, nor knowledge of a person having ordinary skill in the art provide any reasonable rationale to combine prior art teachings.

EXAMINER COMMENTS

An appeal brief was filed in this case on 9/19/2007. Based upon Applicant's arguments, the finality of the last rejection should be withdrawn as the claims are considered to be currently allowable.


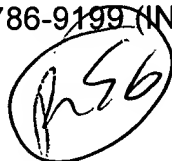
CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RSG
11/7/2007



C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600